

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
296-35 (COR)	James C. Moylan	AN ACT TO AMEND SECTIONS 2, 3, AND 5 OF CHAPTER XII, MISCELLANEOUS PROVISIONS OF PUBLIC LAW 35-36, RELATIVE TO THE TEMPORARY HIRING OF RETIRED CORRECTIONS, POLICE AND CUSTOMS OFFICERS.	2/18/20 9:18 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. *216-35 (COC)*

Introduced by:

James C. Moylan 

AN ACT TO *AMEND* SECTIONS 2, 3, AND 5 OF CHAPTER XII, MISCELLANEOUS PROVISIONS OF PUBLIC LAW 35-36, RELATIVE TO THE TEMPORARY HIRING OF RETIRED CORRECTIONS, POLICE AND CUSTOMS OFFICERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Police Department, Department of Corrections and Customs and Quarantine Agency have officer shortages which hinder the ability for the entity to effectively fulfill their objectives. Public Law 35-36 included an authorization for these entities to hire retired officers of the respective department/agency, in the event the department/agency faced officer shortages for specific purposes. The problem is that the mandate did not provide for any incentive purposes to allow its intent to be fulfilled.

In order for a retired officer to be attracted and properly rewarded in their return for temporary service, their retired position and compensation should be provided, hence the objective of this Act. While the agencies may not receive a volume number of returning officers, every qualified and experienced body would be more beneficial than status quo. By allowing these retired officers to return to their original position and compensation will allow for certain gaps to be filled

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until the respective agencies are able to fill much needed vacancies to assure that public safety entities are able to service the community in keeping them safe.

Section 2. Section 2 of Chapter XII, Miscellaneous Provisions, of Public Law 35-36, is hereby *amended* to read as follows:

Section 2. Temporary Employment of Retired Corrections Officers. The Department of Corrections (DOC) may hire retired Guam corrections officers if a critical need arises because of military activation of DOC corrections officers, ~~or absence due to a long-term disability status which has been certified by a medical doctor,~~ or if the DOC Director identifies a critical need because of a shortage of uniformed corrections officers. Retired corrections officers hired under this Section may receive their retirement annuity while employed on this temporary basis. The DOC may exercise this hiring authority provided it does not exceed its budget for filling these positions. The retiree hired shall fill such a vacant position and shall be terminated when the incumbent returns from military service, ~~or absence,~~ or if the DOC Director determines that the shortage has been addressed. Retired corrections officers may be hired ~~only~~ only at the ranks they left prior to retirement ~~of Corrections Officers Supervisor I and below, only at Step I,~~ and shall not receive sick and annual leave. Officers hired under this Section shall first meet the requirements for the position in question, except for written examinations. The Director of DOC shall certify that every retiree hired is fit for duty. Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this Section may continue to receive retirement benefits. The DOC Director shall report to *I Liheslaturan Guåhan* on July 1, 2020, and again thirty (30) days after the end of the fiscal year, the number of retired officers hired pursuant to this Section, the positions filled, the length of employment, the cost of said hiring, and the nature of the critical need that was filled. Notwithstanding any other provisions of the law, the DOC Director may release the

temporary corrections officer at anytime, at their will and without any cause. However the justification of the release shall be included in their report to I Liheslaturan Guåhan.

Section 3. Section 3 of Chapter XII, Miscellaneous Provisions, of Public Law 35-36, is hereby *amended* to read as follows:

Section 3. Temporary Employment of Retired Guam Police Officers. The Guam Police Department (GPD) may hire retired Guam police officers if a critical need arises because of military activation of GPD police officers, ~~or~~ absence due to a long-term disability status which has been certified by a medical doctor, or if the Chief of Police identifies a critical need because of a shortage of uniformed police officers. The GPD may exercise this hiring authority provided its authorized budget for personnel is not exceeded. The retiree hired shall fill such a vacant position and shall be terminated when the incumbent returns from military service, ~~or~~ absence, or if the Chief of Police determines that the shortage has been addressed. Retired officers may be hired ~~only~~ at the ranks they left prior to retirement of Sergeant I and below, only at Step I, and shall not receive sick and annual leave. Officers hired under this Section shall first meet the requirements for the position in question, except for written examinations, and the Chief of Police of GPD shall certify that every retiree hired is fit for duty. Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this Section may continue to receive retirement benefits. The GPD may pay Civilian Volunteer Police Reserve stipends to a Police Reserve Officer to provide temporary services of a regular police officer. The Chief of Police shall report to *I Liheslaturan Guåhan* on July 1, 2020, and again thirty (30) days after the end of the fiscal year, the number of retired officers hired pursuant to this Section, the positions filled, the length of employment, the cost of said hiring, and the nature of the critical need that was filled. Notwithstanding any other provisions of the law,

the Chief of Police may release the temporary police officer at anytime, at their will and without any cause. However the justification of the release shall be included in their report to I Liheslaturan Guåhan.

Section 4. Section 5 of Chapter XII, Miscellaneous Provisions, of Public Law 35-36, is hereby *amended* to read as follows:

Section 5. Temporary Employment of Retired Customs and Quarantine Officers. The Customs and Quarantine Agency (CQA) *may* hire retired Guam customs and quarantine officers if a critical need arises because of military activation of CQA customs officers, ~~or~~ absence due to a long-term disability status which has been certified by a medical doctor, or if the CQA Director identifies a critical need because of a shortage of uniformed customs officers. The CQA *may* exercise this hiring authority provided its authorized budget for personnel is not exceeded. The retiree hired *shall* fill such a vacant position and *shall be* terminated when the incumbent returns from military service, ~~or~~ absence, or if the CQA Director determines that the shortage has been addressed. Retired officers *may* be hired ~~only~~ in the ranks they left prior to retirement of Customs Officer III and below, only at Step I, and *shall not* receive sick and annual leave. Retirees hired pursuant to this Section *shall* meet the requirements for the position in question, except for written examinations, and the Director of CQA *shall* certify that every retiree hired is fit for duty. The requirements of Chapter 51 of Title 17 GCA are waived for employment pursuant hereto, except for § 51104(b)(4). Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this Section *may* continue to receive retirement benefits. The Director of CQA *shall* report to *I Liheslaturan Guåhan* on July 1, 2020, and again thirty (30) days after the end of the fiscal year, the number of retired officers hired pursuant to this Section, the positions filled, the length of employment, the cost of said hiring, and the nature of the critical need

that was filled. Notwithstanding any other provisions of the law, the CQA Director may release the temporary customs officer at anytime, at their will and without any cause. However the justification of the release shall be included in their report to I Liheslaturan Guåhan.

Section 5. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 6. Effective Date. The Act *shall* become effective upon enactment.